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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

In the Circuit Court of Amherst County.**C. M. GUGGENHEIMER v. C. C. GOFF.**

After the decision of *Richardson v. Woodward*, Trustee, by the United States Circuit Court of Appeals, 6 Va. Law Register, p. 526, in which it was held that a married woman owning separate estate, could claim a homestead exemption under Chapter 178 of the Code of Virginia, there was some discussion of the matter in the LAW REGISTER. The question arose and was decided by Judge Bennett T. Gordon of the Circuit Court of Amherst County in the case of *Guggenheimer v. Goff*, at the March term of said court, and the following report of the case is submitted by James H. Guthrie.

Homestead Exemption.—The right of a married woman to claim depends upon the facts of the particular case; that the right is not limited by sex, or, necessarily, by the state, married or unmarried, of the applicant; that while the husband is ordinarily and *prima facie* to be considered the head of the family, yet by reason of his physical, or mental, disability the real burden of supporting the family may be imposed upon the wife whose moral, if not legal, duty it is to maintain her helpless children, in which case she becomes the head of the family in contemplation of the homestead law, which is to be liberally construed so as to effectuate its manifest object.

In this case the evidence showed the husband to be an invalid and that a number of young children were absolutely dependent upon their mother for their living, the father being unable to work and that therefore the mother, Mrs. Goff, was entitled to claim the benefit of the homestead exemption. This case will not be appealed.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

HECKSCHER et al. v. BLANTON et al.

SAME v. J. THOMPSON BROWN & CO.

Jan. 13, 1910.

[66 S. E. 859.]

1. **Election of Remedies (§ 7*)**—**Acts Constituting Election.**—An action by some of the members of a syndicate which owns an equitable interest in property, the legal title to which is held by another member in trust for all the members, for the amount received by the holder of the legal title from a broker, employed by him to